

12-27-04

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**CERTIFICATE OF EXPRESS MAILING**

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Kristen Ursin-Smith

**PATENT**

**Attorney Docket No. 38187-2688**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Dirk Boecker, et al.	)	
	)	Art Unit: 3731
Application No.: 10/613,517	)	
	)	Examiner: To Be Assigned
Filed: July 3, 2003	)	
	)	
Title <i>Method and Apparatus for Body Fluid</i>	)	
<i>Sampling and Analyte Sensing</i>	)	
	)	

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, along with a concise explanation of information in a foreign language, if any, except for pending U.S. applications is attached or is identified with an asterisk as having been previously cited in priority U.S. Patent Application No.: 10/127,395, filed: 04/19/02, pursuant to 37 C.F.R. §1.97-1.98.

*1.98(d) A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120.*

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return the PTO-1449 in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)

-- OR --

☐ (2) It is being filed within 3 months of entry of a national stage

-- OR --

☒ (3) It is being filed before the mail date of the first Office Action on the merits

-- OR --

☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$ 0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 38187-2688).

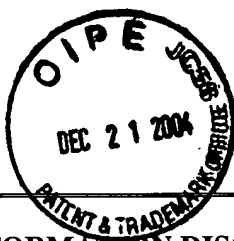
Respectfully submitted,

HELLER EHRMAN WHITE & MCAULIFFE LLP

Dated: Dec. 21 2004

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<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>			ATTY. DOCKET NO. <b>38187-2688 US</b>		SERIAL NO. <b>10/613,517</b>	
			APPLICANT Dirk Boecker, et al.			
			FILING DATE <b>07/03/2003</b>		GROUP: 3731	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*4,154,228	05/15/1979	Feldstein <i>et al.</i>	128	329	08/06/1976
	*4,230,118	10/28/1980	Holman <i>et al.</i>	128	314	08/04/1978
	*4,553,541	11/19/1985	Burns	128	314	01/20/1984
	*4,983,178	01/08/1991	Schnell	606	181	11/14/1988
	*5,029,583	07/09/1991	Meserol <i>et al.</i>	128	633	11/06/1989
	*5,035,704	07/30/1991	Lambert <i>et al.</i>	606	182	03/07/1989
	*5,231,993	08/03/1993	Haber <i>et al.</i>	128	770	11/20/1991
	*5,318,583	06/07/1994	Rabenau <i>et al.</i>	606	182	05/05/1992
	*5,395,387	03/07/1995	Burns	606	181	02/26/1993
	*5,630,986	05/20/1997	Charlton <i>et al.</i>	422	64	03/14/1995
	*5,657,760	08/19/1997	Ying <i>et al.</i>	128	660.03	01/11/1996
	*5,700,695	12/23/1997	Yassinzadeh <i>et al.</i>	436	180	06/30/1994
	*5,855,801	01/05/1999	Lin <i>et al.</i>	216	2	01/07/1997
	*5,860,922	01/19/1999	Gordon <i>et al.</i>	600	431	07/21/1997
	*5,871,494	02/16/1999	Simons <i>et al.</i>	606	181	12/4/1997
	*5,935,075	08/10/1999	Casscells <i>et al.</i>	600	474	08/10/1999
	*5,971,941	10/26/1999	Simons <i>et al.</i>	600	573	10/26/1999
	*6,027,459	02/22/2000	Shain <i>et al.</i>	600	573	12/02/1997
	*6,036,924	03/04/2000	Simons <i>et al.</i>	422	100	03/14/2000
	*6,071,294	06/06/2000	Simons <i>et al.</i>	606	181	12/04/1997
	*6,132,449	10/17/2000	Lum <i>et al.</i>	606	181	03/08/1999
	*6,171,325	01/09/2001	Mauze <i>et al.</i>	606	171	10/20/1999
	*6,176,865	01/23/2001	Mauze <i>et al.</i>	606	171	01/23/2001
	*6,206,841	03/27/2001	Cunningham <i>et al.</i>	600	584	04/11/2000
	*6,315,738	11/13/2001	Nishikawa <i>et al.</i>	600	583	12/30/1999
	*6,364,889	04/02/2002	Kheiri <i>et al.</i>	606	181	04/02/2002
	*6,461,496	10/08/2002	Feldman <i>et al.</i>	205	777.5	10/27/1999

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			APPLICANT Dirk Boecker, et al.				
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<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	*6,497,845	12/24/2002	Sacherer	422	104	04/23/1999	
	*6,530,892	03/11/2003	Kelly	600	583	03/07/2001	
	*2003/0083685	05/01/2003	Freeman <i>et al.</i>	606	181	04/19/2002	
	*2003/0088191	05/08/03	Freeman <i>et al.</i>	600	583	06/12/2002	
	*2003/0233112	12/18/03	Alden <i>et al.</i>	606	181	09/04/2002	
	*2003/0233113	12/18/03	Alden <i>et al.</i>	606	182	09/04/2002	
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.